

Attorney Docket: TOSC3001/JEK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application
Gianfranco TOSCANO

Examiner: Unassigned
Group Art Unit: Unassigned

Serial Number: Unassigned

Filed: Herewith

**For: MIXTURE FOR PREPARING WATER-BASED HARDENABLE
MIXINGS INTENDED TO REALISE MAINLY SOUNDPROOFING
AGGLOMERATES AND METHOD FOR PREPARING SAID MIXINGS**

PRELIMINARY AMENDMENT BEFORE EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

This paper accompanies documents submitted to initiate national stage processing of the above-identified international patent application.

AMENDMENTS

AMENDMENTS TO THE CLAIMS

The amendments to the claims appear in the following pages under the heading "LIST OF CURRENT CLAIMS". The claim listing replaces all previous versions of the claims presented in this application, and indicates any currently presented amendments and the status of each of the listed claims.

The amendments to the claims of this application, which originated in a foreign country, are submitted before examination on the merits and are not intended to have a narrowing effect for the purpose of patentability, but rather are made for one or more of the following reasons: (i) to remove drawing reference numerals unnecessary under U.S. practice; (ii) to remove or reduce multiple dependent claims to reduce the filing fee; (iii) to revise the original language originating in a foreign

country to better conform to customary English usage and style for U.S. patent claiming; (iv) to revise original non-U.S. claim terminology into more appropriate English claim terms having a scope of meaning consistent with the original intended language in preparation for U.S. examination; (iv) to remove limitations having an effect in a foreign country which is different and unintended under U.S. practice (i.e., changing "consisting of" to "comprising"); (v) to remove or amend original claim language that could be regarded as alternative expressions that are acceptable under foreign patent practice but possibly subject to objection under U.S. practice, typically having a broadening or neutral effect in the amended claim; and/or (vi) to improve the clarity or meaning of the original language.

In the case of amendments effectively changing an original claim element expressed as a "means plus function" that could raise a presumption of claim expression under 35 U.S.C. 112, 6th paragraph to a structural expression or to an expression removing the presumption of a "means-plus-function" statement, it is not intended to narrow the claim so amended for purposes of patentability, but rather to place the claim in a form considered to be intended by the applicant from a foreign country where claim limitations described in terms of means-plus-function do not have the same effect as under U.S. practice. Thus, such amendments are intended to establish a full range of equivalents to the claim elements so amended under the U.S. doctrine of equivalents and beyond the range associated with "means-plus-function" expressions according to 35 U.S.C. 112, 6th paragraph, just as if the claim so amended was presented originally in its amended form.

All rights are reserved to the original disclosed and claimed subject matter and any cancellation of claims is made without prejudice or disclaimer.